

REFERENCE TITLE: emergency personnel; liability; affirmative defense

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2062

Introduced by
Representative Konopnicki

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-718; RELATING TO CIVIL ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section. 1. Title 12, chapter 6, article 12, Arizona Revised Statutes,
3 is amended by adding section 12-718, to read:

4 12-718. Affirmative defense: peace officers, firefighters and
5 emergency medical personnel

6 A. IN ANY CIVIL ACTION, THE FINDER OF FACT MAY FIND THE DEFENDANT NOT
7 LIABLE IF THE DEFENDANT PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT ALL OF
8 THE FOLLOWING APPLY:

9 1. AT THE TIME OF THE ACT THAT GAVE RISE TO THE ACTION THE PLAINTIFF
10 WAS A PEACE OFFICER, FIREFIGHTER OR EMERGENCY MEDICAL PERSONNEL ENGAGED IN
11 THE EXECUTION OF ANY OFFICIAL DUTY.

12 2. THE INJURIES WERE A RESULT OF THE HAZARD THAT OCCASIONED THE
13 PLAINTIFF'S PRESENCE.

14 3. THE DEFENDANT IS THE PERSON WHO OCCASIONED THE PLAINTIFF'S
15 PRESENCE.

16 4. THE DEFENDANT DID NOT ACT INTENTIONALLY.

17 B. THE AFFIRMATIVE DEFENSE UNDER SUBSECTION A IS A QUESTION OF FACT
18 AND SHALL BE DETERMINED BY THE JURY.